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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,689	01/14/2002	Tomoyuki Asahara	1163-0385P	9014

2292 7590 10/04/2003

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EXAMINER

TRAN, DALENA

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 10/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/030,689

Applicant(s)

ASAHARA ET AL.

Examiner

Dalena Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,5,6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant(s)

1. This application has been examined. Claims 1-6 are pending.
2. The prior art submitted on 1/14/02, 5/13/02, and 8/4/03 have been considered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, are rejected under 35 U.S.C.102(b) as being anticipated by Link (5,184,303).

As per claim 1, Link discloses a navigation device having a route searching which searches a route to destination when the destination is set, and a list display which lists and displays guide points on the route searched, navigation device comprising: a receiving which receives a bypass setting for a section connecting arbitrary guide points when the list display lists and displays the guide points on the route (see the abstract; and column 2, lines 20-51), and wherein when receives the bypass setting for the section connecting the arbitrary guide points, re-searches the route to the destination in accordance with the setting result (see column 3, line 53 to column 5, line 11; and column 5, line 64 to column 66, line 56).

As per claim 2, Link discloses receives a bypass setting for an arbitrary guide point (see column 6, line 57 to column 7, line 49).

As per claim 3, Link discloses a storage stores the bypass setting and searches the route to the destination, route searching refers to the bypass settings stored in the storage (see column 1, line 60 to column 2, line 19; column 2, lines 52-68; and column 3, line 20-53).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-6, are rejected under 35 U.S.C.103(a) as being unpatentable over Link (5,184,303) in view of Herbst et al. (6,321,161).

As per claim 4, Link does not disclose modifications on the bypass settings. However, Herbst et al. disclose modifications on the bypass settings while indicating the bypass settings stored in the storage (see column 5, line 55 to column 6, line 60; and column 8, line 1 to column 9, line 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Link by combining modifications on the bypass settings while indicating the bypass settings stored in the storage to provide an optimum route between locations in a geographic region.

Also as per claim 5, Link disclose indicates the bypass settings stored in the storage before the route searching searches the route to the destination (see column 3, lines 10-67; and column 6, line 61 to column 7, line 50).

As per claim 6, Link does not disclose bypass time and date. However, Herbst et al. disclose store the bypass setting to which a bypass time and date are added (see column 4, lines

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1-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Link by combining store the bypass setting to which a bypass time and date are added to provide traffic update when calculating optimal routes.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

. Oshizawa et al. (5,928,307)

. Hiyokawa (5,931,888)

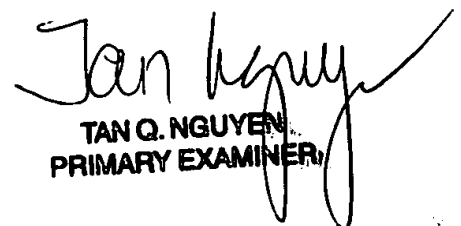
. Oumi (6,134,501)

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 703-308-8223. The examiner can normally be reached on M-F (7:30 AM-5:30 PM), off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on 703-308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

/dt
September 29, 2003


TAN Q. NGUYEN
PRIMARY EXAMINER